

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

CELL Film Holdings, LLC,

Plaintiff,

v.

DOES 1–13,

Defendants.

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Civil Action No. 5:16-cv-00065

By: Elizabeth K. Dillon
United States District Judge

ORDER

In accordance with Rule 26(d)(1), plaintiff CELL Film Holdings, LLC (CELL), moves for leave to serve Rule 45 subpoenas on defendants' Internet service provider (ISP), Comcast Cable, before holding a Rule 26(f) conference (Dkt. No. 4). Upon consideration of the motion and supporting memorandum and exhibits, and for good cause shown, the court hereby GRANTS the motion and further ORDERS as follows:

1. Pursuant to Rule 45, CELL may serve subpoenas on Comcast Cable, requesting documents (physical or electronic) containing the defendants' true names and addresses.
2. CELL may use the subpoenaed information only to protect its rights under applicable copyright law as set forth in the complaint;
3. If and when Comcast Cable is served with a subpoena, it must give written notice, which may be by e-mail, to the defendant whose name and address is being sought within five business days;
4. If Comcast Cable or any defendant desires to move to quash the subpoena, then Comcast Cable or the defendant must do so before the return date of the subpoena, which may not be less than 30 days from the date of service;

5. Comcast Cable must preserve any subpoenaed information pending resolution of any timely filed motion to quash;

6. CELL must provide Comcast Cable a copy of this order with any subpoena; and

7. CELL must file a status report with the court on or before December 22, 2016, stating its progress as to the discovery allowed by this order, including the expected completion date of that discovery.

The clerk is directed to send a copy of this order to CELL's counsel.

Entered: November 7, 2016.

/s/ Elizabeth K. Dillon

Elizabeth K. Dillon
United States District Judge